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## **REVISED CODE OF WASHINGTON**

**2006 Edition**

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### **CERTIFICATE**

The 2006 edition of the Revised Code of Washington, published officially by the Statute Law Committee, is, in accordance with RCW 1.08.037, certified to comply with the current specifications of the committee.



MARTY BROWN, Chair  
STATUTE LAW COMMITTEE

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**Absentee Voting****29A.40.110**

(5) If absentee ballots were not available or mailed as prescribed in subsection (1) of this section, for a reason other than a recount or litigation, the county auditor, in consultation with the certification and training program of the office of the secretary of state, shall submit a report to the office of the secretary of state outlining why the deadline was missed and what corrective actions will be taken in future elections to ensure that absentee ballots are available and mailed as prescribed in subsection (1) of this section.

(6) Failure to have absentee ballots available and mailed as prescribed in subsection (1) of this section does not by itself provide a basis for an election contest or other legal challenge to the results of a primary, general election, or special election. [2006 c 344 § 13; 2004 c 266 § 13. Prior: 2003 c 162 § 2; 2003 c 111 § 1007; prior: 1987 c 54 § 1; 1977 ex.s. c 361 § 56; 1965 ex.s. c 103 § 5; 1965 c 9 § 29.30.075; prior: 1949 c 161 § 10, part; 1947 c 234 § 2, part; 1935 c 26 § 1, part; 1921 c 178 § 4, part; 1907 c 209 § 8, part; Rem. Supp. 1949 § 5185, part. Formerly RCW 29.36.270, 29.30.075.]

**Effective date—2006 c 344 §§ 1-16 and 18-40:** See note following RCW 29A.04.311.

**Effective date—2004 c 266:** See note following RCW 29A.04.575.

**Policy—2003 c 162:** "It is the policy of the state of Washington that individuals voting absentee and mail ballots receive their ballots in a timely and consistent manner before each election. Since many voters in Washington state have come to rely upon absentee and mail voting, mailing the ballots in a timely manner is critical in order to maximize participation by every eligible voter." [2003 c 162 § 1.]

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29A.16.040.

**29A.40.080 Delivery of ballot, qualifications for.** The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the registered voter personally, or a member of the registered voter's immediate family may pick up an absentee ballot for the voter at the office of the issuing officer unless the voter is a resident of a health care facility, as defined by RCW 70.37.020(3), on election day and applies by messenger for an absentee ballot. In this latter case, the messenger may pick up the voter's absentee ballot.

(2) Except as noted in subsection (1) of this section, the issuing officer shall mail or deliver the absentee ballot directly to each applicant. [2003 c 111 § 1008. Prior: 2001 c 241 § 7; 1984 c 27 § 2; 1965 c 9 § 29.36.035; prior: 1963 ex.s. c 23 § 4. Formerly RCW 29.36.280, 29.36.035.]

**29A.40.091 Envelopes and instructions.** The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform

the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy flap that the voter may seal that will cover the voter's signature and optional telephone number. For out-of-state voters, overseas voters, and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed. [2005 c 246 § 21; 2004 c 271 § 135.]

**Effective date—2005 c 246:** See note following RCW 10.64.140.

**29A.40.100 Observers.** County auditors must request that observers be appointed by the major political parties to be present during the processing of absentee ballots. The absence of the observers will not prevent the processing of absentee ballots if the county auditor has requested their presence. [2003 c 111 § 1010. Prior: 2001 c 241 § 9. Formerly RCW 29.36.300.]

**29A.40.110 Processing incoming ballots.** (1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

**29A.40.120****Title 29A RCW: Elections**

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For out-of-state voters, overseas voters, and service voters stationed in the United States, the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot. [2006 c 207 § 4; 2006 c 206 § 6; 2005 c 243 § 5; 2003 c 111 § 1011. Prior: 2001 c 241 § 10; 1991 c 81 § 32; 1987 c 346 § 14; 1977 ex.s.c 361 § 78; 1973 c 140 § 1; 1965 c 9 § 29.36.060; prior: 1963 ex.s.c 23 § 5; 1955 c 167 § 7; 1955 c 50 § 2; prior: 1933 ex.s.c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part. Formerly RCW 29.36.310, 29.36.060.]

**Reviser's note:** This section was amended by 2006 c 206 § 6 and by 2006 c 207 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—1991 c 81:** See note following RCW 29A.84.540.

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.

**Effective date—Severability—1977 ex.s.c 361:** See notes following RCW 29A.16.040.

*County canvassing board, meeting to process absentee ballots, canvass returns: RCW 29A.60.160.*

*Unsigned absentee or provisional ballots: RCW 29A.60.165.*

**29A.40.120 Report of count.** The absentee ballots must be reported at a minimum on a congressional and legislative district basis. Absentee ballots may be counted by congressional or legislative district or by individual precinct, except as required under RCW 29A.60.230(2).

These returns must be added to the total of the votes cast at the polling places. [2003 c 111 § 1012. Prior: 2001 c 241 § 11; 1990 c 262 § 2; 1987 c 346 § 15; 1974 ex.s.c 73 § 2; 1965 c 9 § 29.36.070; prior: 1955 c 50 § 3; prior: 1933 ex.s.c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part. Formerly RCW 29.36.320, 29.36.070.]

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.

**29A.40.130 Record of requests—Public access.** Each county auditor shall maintain in his or her office, open for

public inspection, a record of the requests he or she has received for absentee ballots under this chapter.

The information from the requests shall be recorded and lists of this information shall be available no later than twenty-four hours after their receipt.

This information about absentee voters shall be available according to the date of the requests and by legislative district. It shall include the name of each applicant, the address and precinct in which the voter maintains a voting residence, the date on which an absentee ballot was issued to this voter, if applicable, the type of absentee ballot, and the address to which the ballot was or is to be mailed, if applicable.

The auditor shall make copies of these records available to the public for the actual cost of production or copying. [2003 c 111 § 1013. Prior: 1991 c 81 § 33; 1987 c 346 § 17; 1973 1st ex.s.c 61 § 1. Formerly RCW 29.36.340, 29.36.097.]

**Effective date—1991 c 81:** See note following RCW 29A.84.540.

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.

**29A.40.140 Challenges.** The qualifications of any absentee voter may be challenged before the voted ballot is received. The board has the authority to determine the legality of any absentee ballot challenged under this section. Challenged ballots must be handled in accordance with chapter 29A.08 RCW. [2006 c 320 § 8; 2003 c 111 § 1014. Prior: 2001 c 241 § 13; 1987 c 346 § 18; 1965 c 9 § 29.36.100; prior: 1917 c 159 § 5; 1915 c 189 § 5; RRS § 5286. Formerly RCW 29.36.350, 29.36.100.]

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.

**29A.40.150 Overseas, service voters.** The secretary of state shall produce and furnish envelopes and instructions for overseas voters and service voters. The information on the envelopes or instructions must explain that:

(1) Return postage is free if the ballot is mailed through the United States postal service, United States armed forces postal service, or the postal service of a United States foreign embassy;

(2) The date of the signature is considered the date of mailing;

(3) The envelope must be signed by election day;

(4) The signed declaration on the envelope is the equivalent of voter registration;

(5) A voter may fax a voted ballot and the accompanying envelope if the voter agrees to waive secrecy. The ballot will be counted if the original documents are received before certification of the election; and

(6) A voter may obtain a ballot via electronic mail, which the voter may print out, vote, and return by mail. In order to facilitate the electronic acquisition of ballots by overseas and service voters, the ballot instructions shall include the web site of the office of the secretary of state. [2006 c 206 § 7; 2005 c 245 § 1; 2003 c 111 § 1015; 1993 c 417 § 7; 1987 c 346 § 19; 1983 1st ex.s.c 71 § 8. Formerly RCW 29.36.360, 29.36.150.]

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.

**Polling Place Elections and Poll Workers****29A.44.207**

open. [2003 c 111 § 1111. Prior: 1994 c 57 § 19; 1971 ex.s. c 202 § 21; 1965 c 9 § 29.07.170; prior: 1957 c 251 § 8; prior: 1933 c 1 § 10, part; RRS § 5114-10, part; prior: 1919 c 163 § 11, part; 1915 c 16 § 13, part; 1905 c 171 § 4, part; 1889 p 417 § 13, part; RRS § 5131, part. Formerly RCW 29.07.170.]

**Severability—1994 c 57:** See note following RCW 10.64.021.

**29A.44.130 Additional supplies for paper ballots.** In precincts where votes are cast on paper ballots, the following supplies, in addition to those specified in RCW 29A.44.110, must be provided:

(1) Two tally books in which the names of the candidates will be listed in the order in which they appear on the sample ballots and in each case have the proper party designation at the head thereof;

(2) Two certificates or two sample ballots prepared as blanks, for recording of the unofficial results by the precinct election officers. [2003 c 111 § 1112; 1977 ex.s. c 361 § 82. Formerly RCW 29.48.035.]

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29A.16.040.

**29A.44.140 Voting and registration instructions and information.** (1) Each county auditor shall provide voting and registration instructions, printed in large type, to be conspicuously displayed at each polling place and permanent registration facility.

(2) The county auditor shall make information available for deaf persons throughout the state by telecommunications. [2003 c 111 § 1113. Prior: 1999 c 298 § 17; 1985 c 205 § 9. Formerly RCW 29.57.130.]

**Effective dates—1985 c 205:** See note following RCW 29A.16.140.

**29A.44.150 Time for arrival of officers.** The precinct election officers for each precinct shall meet at the designated polling place at the time set by the county auditor. [2003 c 111 § 1114. Prior: 1977 ex.s. c 361 § 80; 1965 c 9 § 29.48.020; prior: 1957 c 195 § 6; prior: 1913 c 58 § 12, part; RRS § 5312, part. Formerly RCW 29.48.020.]

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29A.16.040.

**29A.44.160 Inspection of voting equipment.** Before opening the polls for a precinct, the voting equipment shall be inspected to determine if it has been properly prepared for voting. If the voting equipment is capable of direct tabulation of each voter's choices, the precinct election officers shall verify that no votes have been registered for any issue or office to be voted on at that primary or election. Any ballot box shall be carefully examined by the judges of election to determine that it is empty. The ballot box shall then be sealed or locked. The ballot box shall not be opened before the certification of the primary or election except in the manner and for the purposes provided under this title. [2003 c 111 § 1115. Prior: 1990 c 59 § 37; 1965 c 9 § 29.48.070; prior: 1854 p 67 § 17, part; No RRS. Formerly RCW 29.48.070.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

(2006 Ed.)

**29A.44.170 Flag.** At all primaries and elections the flag of the United States shall be conspicuously displayed in front of each polling place. [2003 c 111 § 1116. Prior: 1965 c 9 § 29.48.090; prior: 1921 c 68 § 1, part; RRS § 5320, part. Formerly RCW 29.48.090.]

**29A.44.180 Opening the polls.** The precinct election officers, immediately before they start to issue ballots or permit a voter to vote, shall announce at the place of voting that the polls for that precinct are open. [2003 c 111 § 1117. Prior: 1990 c 59 § 38; 1965 c 9 § 29.48.100; prior: Code 1881 § 3077; 1865 p 34 § 2; RRS § 5321. Formerly RCW 29.48.100.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

**29A.44.190 Voting devices—Periodic examination.** The precinct election officers shall periodically examine the voting devices to determine if they have been tampered with. [2003 c 111 § 1118. Prior: 1990 c 59 § 45; 1965 c 9 § 29.51.150; prior: 1915 c 114 § 7, part; 1913 c 58 § 13, part; RRS § 5313, part. Formerly RCW 29.51.150.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

**29A.44.201 Issuing ballot to voter—Challenge.** A voter desiring to vote shall give his or her name to the precinct election officer who has the precinct list of registered voters. This officer shall announce the name to the precinct election officer who has the copy of the inspector's poll book for that precinct. If the right of this voter to participate in the primary or election is not challenged, the voter must be issued a ballot or permitted to enter a voting booth or to operate a voting device. For a partisan primary in a jurisdiction using the physically separate ballot format, the voter must be issued a nonpartisan ballot and each party ballot. The number of the ballot or the voter must be recorded by the precinct election officers. If the right of the voter to participate is challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter. [2004 c 271 § 136.]

*Alternative forms of identification—Voting procedure: RCW 29A.08.113.*

**29A.44.205 Identification required.** Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book. The identification required in this section can be satisfied by providing a valid photo identification, such as a driver's license or state identification card, student identification card, or tribal identification card, a voter's voter identification issued by a county elections officer, or a copy of a current utility bill, bank statement, paycheck, or government check or other government document. Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.

The secretary of state may adopt rules to carry out this section. [2005 c 243 § 7.]

**29A.44.207 Provisional ballots.** Provisional ballots must be issued, along with a provisional ballot outer envelope and a security envelope, to voters as appropriate under RCW 29A.04.008. The provisional ballot outer envelope must

## Canvassing

**29A.60.165**

29A.53.020, each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass. [2005 c 243 § 15; 2005 c 153 § 11; 2003 c 111 § 1516; 1999 c 259 § 4; 1995 c 139 § 2; 1987 c 54 § 2; 1965 c 9 § 29.62.020. Prior: 1957 c 195 § 15; prior: 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.020.]

**Reviser's note:** This section was amended by 2005 c 153 § 11 and by 2005 c 243 § 15, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Expiration date—2005 c 153 §§ 11 and 12:** "Sections 11 and 12 of this act expire July 1, 2013." [2005 c 153 § 14.]

**Captions not law—Severability—2005 c 153:** See RCW 29A.53.901 and 29A.53.902.

*Absentee ballots, canvassing:* RCW 29A.40.110.

#### **29A.60.160 Absentee ballots. (Effective July 1, 2013.)**

Except Sundays and legal holidays, the county auditor, as delegated by the county canvassing board, shall process absentee ballots and canvass the votes cast at that primary or election on a daily basis in counties with a population of seventy-five thousand or more, or at least every third day for counties with a population of less than seventy-five thousand, if the county auditor is in possession of more than twenty-five ballots that have yet to be canvassed. The county auditor, as delegated by the county canvassing board, may use his or her discretion in determining when to process the remaining absentee ballots and canvass the votes during the final four days before the certification of election results in order to protect the secrecy of any ballot. In counties where this process has not been delegated to the county auditor, the county auditor shall convene the county canvassing board to process absentee ballots and canvass the votes cast at the primary or election as set forth in this section.

Each absentee ballot previously not canvassed that was received by the county auditor two days or more before processing absentee ballots and canvassing the votes as delegated by or processed by the county canvassing board, that either was received by the county auditor before the closing of the polls on the day of the primary or election for which it was issued, or that bears a postmark on or before the primary or election for which it was issued, must be processed at that time. The tabulation of votes that results from that day's canvass must be made available to the general public immediately upon completion of the canvass. [2005 c 243 § 15; 2003 c 111 § 1516; 1999 c 259 § 4; 1995 c 139 § 2; 1987 c 54 § 2; 1965 c 9 § 29.62.020. Prior: 1957 c 195 § 15; prior: 1919 c 163 § 21, part; Code 1881 § 3095, part; 1868 p 20 § 1, part; 1865 p 39 § 6, part; RRS § 5340, part. Formerly RCW 29.62.020.]

*Absentee ballots, canvassing:* RCW 29A.40.110.

(2006 Ed.)

#### **29A.60.165 Unsigned absentee or provisional ballots.**

(1) If the voter neglects to sign the outside envelope of an absentee or provisional ballot, the auditor shall notify the voter by first class mail and advise the voter of the correct procedures for completing the unsigned affidavit. If the absentee ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(a) Appear in person and sign the envelope no later than the day before the certification of the primary or election; or

(b) Sign a copy of the envelope provided by the auditor, and return it to the auditor no later than the day before the certification of the primary or election.

(2)(a) If the handwriting of the signature on an absentee or provisional ballot envelope is not the same as the handwriting of the signature on the registration file, the auditor shall notify the voter by first class mail, enclosing a copy of the envelope affidavit, and advise the voter of the correct procedures for updating his or her signature on the voter registration file. If the absentee or provisional ballot is received within three business days of the final meeting of the canvassing board, or the voter has been notified by first class mail and has not responded at least three business days before the final meeting of the canvassing board, then the auditor shall attempt to notify the voter by telephone, using the voter registration record information. In order for the ballot to be counted, the voter must either:

(i) Appear in person and sign a new registration form no later than the day before the certification of the primary or election; or

(ii) Sign a copy of the affidavit provided by the auditor and return it to the auditor no later than the day before the certification of the primary or election. The voter may enclose with the affidavit a photocopy of a valid government or tribal issued identification document that includes the voter's current signature. If the signature on the copy of the affidavit does not match the signature on file or the signature on the copy of the identification document, the voter must appear in person and sign a new registration form no later than the day before the certification of the primary or election in order for the ballot to be counted.

(b) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the name is different, the ballot may be counted as long as the handwriting is clearly the same. The auditor shall send the voter a change-of-name form under RCW 29A.08.440 and direct the voter to complete the form.

(c) If the signature on an absentee or provisional ballot envelope is not the same as the signature on the registration file because the voter used initials or a common nickname, the ballot may be counted as long as the surname and handwriting are clearly the same.

(3) A voter may not cure a missing or mismatched signature for purposes of counting the ballot in a recount.

(4) A record must be kept of all ballots with missing and mismatched signatures. The record must contain the date on which the voter was contacted or the notice was mailed, as

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well as the date on which the voter signed the envelope, a copy of the envelope, a new registration form, or a change-of-name form. That record is a public record under chapter 42.56 RCW and may be disclosed to interested parties on written request. [2006 c 209 § 4; 2006 c 208 § 1; 2005 c 243 § 8.]

**Reviser's note:** This section was amended by 2006 c 208 § 1 and by 2006 c 209 § 4, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

**Effective date—2006 c 209:** See RCW 42.56.903.

**29A.60.170 Counting center, direction and observation of proceedings—Manual count of certain precincts.**

(1) The counting center in a county using voting systems is under the direction of the county auditor and must be observed by one representative from each major political party, if representatives have been appointed by the respective major political parties and these representatives are present while the counting center is operating. The proceedings must be open to the public, but no persons except those employed and authorized by the county auditor may touch any ballot or ballot container or operate a vote tallying system.

(2) In counties in which ballots are not counted at the polling place, the official political party observers, upon mutual agreement, may request that a precinct be selected at random on receipt of the ballots from the polling place and that a manual count be made of the number of ballots and of the votes cast on any office or issue. The ballots for that precinct must then be counted by the vote tallying system, and this result will be compared to the results of the manual count. This may be done as many as three times during the tabulation of ballots on the day of the primary or election.

(3) In counties using poll-site ballot counting devices, the political party observers, upon mutual agreement, may choose as many as three precincts and request that a manual count be made of the number of ballots and the votes cast on any office or issue. The results of this count will be compared to the count of the precinct made by the poll-site ballot counting device. These selections must be made no later than thirty minutes after the close of the polls. The manual count must be completed within forty-eight hours after the close of the polls. The process must take place at a location designated by the county auditor for that purpose. The political party observers must receive timely notice of the time and location, and have the right to be present. However, the process must proceed as scheduled if the observers are unable to attend. [2003 c 111 § 1517; 1999 c 158 § 9; 1990 c 59 § 30; 1977 ex.s. c 361 § 71. Formerly RCW 29.54.025, 29.34.153.]

**Intent—Effective date—1990 c 59:** See notes following RCW 29A.04.013.

**Effective date—Severability—1977 ex.s. c 361:** See notes following RCW 29A.16.040.

**29A.60.180 Credit for voting—Retention of ballots.**

Each registered voter casting an absentee ballot will be credited with voting on his or her voter registration record. Absentee ballots must be retained for the same length of time and in the same manner as ballots cast at the precinct polling

places. [2003 c 111 § 1518. Prior: 2001 c 241 § 12; 1988 c 181 § 3; 1987 c 346 § 16; 1983 c 136 § 1; 1965 c 9 § 29.36.075; prior: 1961 c 78 § 1. Formerly RCW 29.36.330, 29.36.075.]

**Legislative intent—Effective date—1987 c 346:** See notes following RCW 29A.40.010.

**29A.60.185 Audit of results.** Prior to certification of the election as required by RCW 29A.60.190, the county auditor shall conduct an audit of results of votes cast on the direct recording electronic voting devices used in the county. This audit must be conducted by randomly selecting by lot up to four percent of the direct recording electronic voting devices or one direct recording electronic voting device, whichever is greater, and, for each device, comparing the results recorded electronically with the results recorded on paper. For purposes of this audit, the results recorded on paper must be tabulated as follows: On one-fourth of the devices selected for audit, the paper records must be tabulated manually; on the remaining devices, the paper records may be tabulated by a mechanical device determined by the secretary of state to be capable of accurately reading the votes cast and printed thereon and qualified for use in the state under applicable state and federal laws. Three races or issues, randomly selected by lot, must be audited on each device. This audit procedure must be subject to observation by political party representatives if representatives have been appointed and are present at the time of the audit. [2005 c 242 § 5.]

**29A.60.190 Certification of election results—Unofficial returns.** (*Expires July 1, 2013.*) (1) Except as provided by subsection (3) of this section, fifteen days after a primary or special election and twenty-one days after a general election, the county canvassing board shall complete the canvass and certify the results. Each absentee ballot that was returned before the closing of the polls, and each absentee ballot bearing a postmark on or before the date of the primary or election and received on or before the date on which the primary or election is certified, must be included in the canvass report.

(2) At the request of a caucus of the state legislature, the county auditor shall transmit copies of all unofficial returns of state and legislative primaries or elections prepared by or for the county canvassing board to either the secretary of the senate or the chief clerk of the house of representatives.

(3) On or before the thirtieth day after an election conducted under the instant runoff voting method for the pilot project authorized by RCW 29A.53.020, the canvassing board shall complete the canvass and certify the results. [2006 c 344 § 16. Prior: 2005 c 243 § 16; 2005 c 153 § 12; 2004 c 266 § 18; 2003 c 111 § 1519.]

**Expiration date—2006 c 344 § 16:** "Section 16 of this act expires July 1, 2013." [2006 c 344 § 42.]

**Effective date—2006 c 344 §§ 1-16 and 18-40:** See note following RCW 29A.04.311.

**Expiration date—2005 c 153 §§ 11 and 12:** See note following RCW 29A.60.160.

**Captions not law—Severability—2005 c 153:** See RCW 29A.53.901 and 29A.53.902.

**Effective date—2004 c 266:** See note following RCW 29A.04.575.